

REMARKS

Applicant traverses the rejections of claims 1-4, 10, 11, 14-19, 21, 22, 24, 31, 34, 36 and 37 under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. Patent Number 4,750,619 in view of Krueger et al. Patent Number 5,868,253 and claims 6, 25, 28-30 and 33 as being unpatentable over Cohen et al. '619 in view of Debs et al. Patent Number 6,622,864. Claims 13, 32 and 35 have been indicated as allowable and claims 7, 8, 26, and 27 have been objected to.

Applicant has amended claim 1 to combine claim 7 which has been indicated as allowable if combined. Claim 25 has also been amended to incorporate claim 26 which has been indicated as allowable if combined.

Thus, all of the claims remaining in the case have been allowed or indicated by the Examiner as allowable.

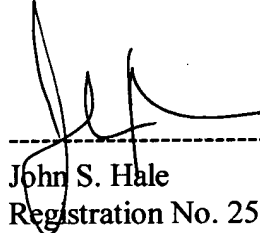
None of the cited references singularly or in combination teach or obviate the present invention.

If any additional charges are required, please charge Deposit Account Number 07-1340.

It is respectfully requested that the amendments present place the application in condition for allowance and passage to issue.

Respectfully submitted,

GIPPLE & HALE



John S. Hale
Registration No. 25,209

6665-A Old Dominion Drive
McLean, Virginia 22101
(703) 448-1770 ext. 304
Attorney Reference: X-9353

MARKED UP VERSION OF CLAIMS WITH MARKING

TO SHOW CHANGES MADE

Claim 1. (Currently Amended) A container assembly for storing sterile allograft tissue implant forms in a sterile condition comprising:

an outer container defining an open faced cavity and a flange extending outward from said cavity, a stepped recess formed in said flange surrounding said cavity;

an inner container defining a base, walls integrally formed with said base, said walls defining an open faced cavity and a flange extending outward from said cavity, said inner container flange being of a dimension to fit into said stepped recess of said outer container,

a one piece insert member sized to fit into said inner container cavity and removable from said inner cavity, said insert member defining a linear shaped structure therein to hold a tissue implant form adjacent said inner container base, said shaped structure defining a semicircular groove with stepped end portions which act as a retainer to seat a cylindrically shaped tissue implantation form;

a permeable cover sealed to the flange of the inner container covering said inner container cavity; and

an outer cover sealed to the flange of the outer container covering said outer container cavity.

Claim 2. (Canceled)

Claim 3. (Currently Amended) A container assembly as claimed in Claim [[2]] 1 wherein said insert member housing includes a lift tab extending from a side wall.

Claim 4. (Original) A container assembly as claimed in Claim 1 wherein said inner container cover includes a tab for grasping to remove the inner cover from the flange of said inner container.

Claim 5. (Canceled)

Claim 6. (Canceled)

Claim 7. (Canceled)

Claim 8. (Currently Amended) A container assembly as claimed in Claim [[7]] 1 wherein insert member housing defines recesses formed in end walls of said housing which intersect [[a]] said groove positioned transverse said semicircular groove with stepped end portions.

Claim 9. (Canceled)

Claim 10. (Canceled)

Claim 11. (Canceled)

Claim 12. (Canceled)

Claim 13. (Currently Amended) A container assembly as claimed in Claim 35 wherein ~~at least one~~ of said handle[[s]] has a grasping rib formed thereon.

Claim 14. (Original) A container assembly as claimed in Claim 1 wherein said inner container has a housing defining an open faced cavity and a flange extending outward from said cavity, said housing comprising a front end wall, side walls connected to said front end wall and an angularly oriented planar rear end wall, all of said walls being integrally connected with a base to form an interior cavity adapted to hold an insert member.

Claim 15. (Canceled)

Claim 16. (Canceled)

Claim 17. (Canceled)

Claim 18. (Currently Amended) A container as claimed in claim [[16]] 1 wherein said outer container has a laminated body with an inner layer of polyethylene terephthalateglycol and an outer

layer of ACKLAR.

Claim 19. (Canceled)

Claim 20. (Canceled)

Claim 21. (Canceled)

Claim 23. (Canceled)

Claim 24. (Canceled)

Claim 25. (Currently Amended) A double sterile package container for storing sterile allograft tissue implant forms comprising:

an outer container defining an open faced cavity and a flange extending outward from said cavity, a stepped recess formed in said flange surrounding said cavity;

an inner container defining an open faced cavity and a flange extending outward from said cavity, said inner container flange being of a dimension to fit into said stepped recess of said outer container,

an insert member sized to fit into said inner container cavity, said insert member defining a linear depression therein in the form of a stepped arcuate groove to hold a tissue implant form;

a permeable cover sealed to the flange of the inner container covering said inner container cavity; and

an impermeable outer cover sealed to the flange of the outer container covering said outer container cavity.

Claim 26. (Canceled)

Claim 27. (Currently Amended) A double sterile package container as claimed in Claim ~~[[26]]~~ 25 wherein said insert member housing defines a second arcuate groove which intersects said first stepped groove.

Claim 28. (Canceled)

Claim 29. (Canceled)

Claim 30. (Canceled)

Claim 31. (Canceled)

Claim 32. (Original) A sterile package for storing sterile allograft tissue implant forms comprising:

an insert container defining an open faced cavity and a flange extending outward from said cavity,

an insert member sized to fit into said inner container cavity, said insert member comprising a housing defining a curved groove with stepped ends forming shoulders to hold a tissue implant form, and at least one other groove intersecting at least a portion of said curved groove.; and

a removable cover sealed to the flange of the insert container covering said insert container cavity.

Claim 33. (Canceled)

Claim 34. (Canceled)

Claim 35. (Previously Presented) A container assembly for storing sterile allograft tissue implant forms in a sterile condition comprising:

an outer container defining an open faced cavity and a flange extending outward from said cavity, a stepped recess formed in said flange surrounding said cavity;

an inner container defining an open faced cavity and a flange extending outward from said cavity, said inner container flange being of a dimension to fit into said stepped recess of said outer container,

an insert member sized to fit into said inner container cavity, said insert member defining a shaped structure therein to hold a tissue implant form;

a permeable cover sealed to the flange of the inner container covering said inner container cavity;

an outer cover sealed to the flange of the outer container covering said outer container cavity;

and

both flanges of said outer container and said inner container having one end which extends outward further than the other portions of said flange to form a handle for the respective container.

Claim 36. (Canceled)

Claim 37. (Canceled)